

### REMARKS

Claims 1-14 are pending and remain in the application for reconsideration. Claim 1 has been amended to delete the word "change" and in its place the words "increase and decrease" have been added. This change finds support in various parts of the specification, for example page 19, lines 13-15 or page 31, lines 7-14, and thus no new matter is introduced. Claim 8 has been amended to add the word "wherein" to the start of claim 8's "wherein" clause, which was inadvertently omitted. This change provides common claim language that clarifies the phrase and does not introduce new matter. Favorable reconsideration of this application is respectfully requested in light of the above amendments and the following detailed discussion.

### Claim Rejections – 35 U.S.C. § 103

The Examiner rejects claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Turnbull et al. (U.S. 6,132,072, hereinafter Turnbull) in view of Chapman et al. (U.S. 5,984,494, hereinafter Chapman).

It is the applicants' position that Turnbull discloses a white-light LED illuminator for forming "effective white illumination" by using LEDs having different hues such as blue-green and amber (see, for example, column 26, line 6 and the ABSTRACT), and thus is not a color illumination device for emitting multi-color light as the present invention. Further, Turnbull's controller 22 does not correspond to the control 5 of independent claim 1 of the present

application because Turnbull's controller 22 does not vary the color of light emitted from his LED assembly.

With regard to independent claim 10 of the present application, the Examiner contends that Turnbull's Figs. 4C and 5-6 anticipate the at least two functional modes of the subject invention's color illumination device. However, it is the applicants' position that Fig. 4C is a graph for showing the resultant spectral power distribution of the reflected light from a 50% neutral gray target, which is irrelevant to the functional mode of Turnbull's LED assembly. The applicants see Turnbull's Figs. 5-13 as being used to explain the mechanism and /or requirements for the LEDs of different hues to form effective white light, and thus do not show the different functional modes of his LED assembly. It is the applicants' position that Turnbull does not disclose defining a function of the control depending on each functional mode as set forth in claim 10 of the present application.

Thus, Turnbull fails to disclose or suggest the important features of the present invention such as controlling the color of the illumination light by simply using a single control, as described on page 24, lines 3-9 of the subject invention and defined in independent claim 1, or allowing an operation of a single control to vary different operation parameters depending on the functional mode selected, as described on page 24, lines 8-18 and defined in the other independent claim 10. Therefore, it is the applicants' position that independent claims 1 and 10 are not the invention of Turnbull.

Further, Chapman discloses a Dual Spectrum Illumination System (DSIS) for selectively

emitting two different spectrum of radiation (e.g., visible light and infrared radiation, see ABSTRACT). To achieve this result the DSIS of Chapman comprises two independent emitters of electro-magnetic radiation, e.g., a halogen lamp 18 and LEDs 28, 32. The selection switch 44 determines which of the different spectrum of radiation should be emitted (column 4, lines 10-21, Fig. 2). Even though the DSIS of Chapman can selectively produce two different spectrum of radiation, there is no disclosure in Chapman for mixing the radiation emitted from the different spectrum radiation sources to produce an illumination light, and further, the switch 44 of Chapman is quite different from the control 5 of the present application which, as defined in the amended claim 1, is operable to increase or decrease a value of a variable which in turn defines the color of the illumination light.

Therefore, it is the applicants' position that the amended claim 1 is patentably distinct from Chapman. As discussed above, Turnbull does not teach producing various color lights and using a single control for determining the color of illumination light via a value of a variable which is increased or decreased by the control. Therefore, it is the applicants' position that the amended claim 1 should be allowed over the combination of Turnbull in view of Chapman.

Also, although the DSIS of Chapman has two operation modes, i.e., for emitting visible light or infrared radiation, the applicants can find nowhere in Chapman's disclosure where he defines a function of a control depending on each operational mode. Therefore, it is the applicants' position that claim 10 of the present application is patentably different from Chapman. As mentioned above, Turnbull fails to teach the features of claim 10, and thus claim

Appl. No. 09 989,997  
Amdt. Dated September 26, 2003  
Reply to Office action of July 9, 2003

10 should be allowed over the combination of Turnbull in view of Chapman. Further, the applicants can find no motivation to combine Turnbull's LED assembly and Chapman's DSIS in the manner proposed by the Examiner.

The applicants respectfully submit that, for all the reasons set forth above, independent claims 1 and 10 meet all the requirements of 35 U.S.C. § 103(a). Accordingly, reconsideration of the rejections of independent claims 1 and 10 is respectfully requested.

The applicants submit that since the inventions defined in claims 1 and 10 are not taught by Turnbull or Chapman, taken alone or in combination, then claims 2-9 and 11-14, which depend, respectively, directly or indirectly from claims 1 and 10 and thus contain all of the limitations thereof, are patentable over these references. Accordingly, reconsideration of the rejection of dependent claims 2-9 and 11-14 is respectfully requested.

For all the reasons described in the preceding paragraphs, the applicants respectfully submit that claims 1-14 meet all the requirements of 35 U.S.C. § 103(a). Accordingly, reconsideration of the rejection of claims 1-14 and allowance thereof are respectfully requested.

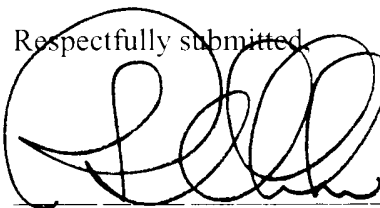
Appl. No. 09 989,997  
Amdt. Dated September 26, 2003  
Reply to Office action of July 9, 2003

CONCLUSION

For all the reasons described in the preceding paragraphs, the applicants respectfully submit that the present application is now in condition for allowance. Accordingly, a timely action to that end is courteously solicited.

If Examiner Zeade has any remaining questions or concerns, or would prefer claim language different from that included herein, the favor of a telephone call to the applicants' attorneys is requested.

Respectfully submitted,



Phillip S. Oberlin  
Registration No. 19,066

ATTORNEYS

Marshall & Melhorn, LLC  
Four SeaGate – 8<sup>th</sup> Floor  
Toledo, Ohio 43604  
Phone: (419) 249-7149  
Fax: (419) 249-7151